

LAW OFFICES
KOTEEN & NAFTALIN, L.L.P.
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915

BERNARD KOTEEN*
ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
M. ANNE SWANSON
CHARLES R. NAFTALIN
GREGORY C. STAPLE
R. EDWARD PRICE**

* SENIOR COUNSEL
** ADMITTED IN NEW YORK AND
MASSACHUSETTS ONLY

September 25, 1996

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

RECEIVED

SEP 25 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re: CC Docket No. 94-102
RM-8143

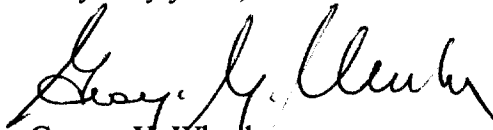
DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Transmitted herewith, on behalf of American Portable Telecom, Inc. are an original and four copies of its Comments in the above-referenced matter.

In the event there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,


George Y. Wheeler

No. of Copies rec'd
List A B C D E

024

ORIGINAL

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20036

SEP 25 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Revision of the Commission's) CC Docket No. 94-102
Rules To Ensure Compatibility) RM-8143
with Enhanced 911 Emergency)
Calling Systems)

COMMENTS OF AMERICAN PORTABLE TELECOM, INC.

American Portable Telecom, Inc. ("APT"), on behalf of itself and its subsidiaries, by its attorneys, comments in response to the Commission's Report and Order and Further Notice of Proposed Rulemaking released July 26, 1996 in the above-captioned docket.

We support the Commission's goals to explore the need for further action "to spur improvements" in the features and delivery of E911 services. At the same time the implementation of the Commission's regulatory mandates must be rational, equitable, technically feasible and based on reasonable projections of industry developments. The Personal Communications Industry Association ("PCIA"), Nokia Telecommunications, Inc. ("Nokia") Omnipoint Communications, Inc. ("Omnipoint"), Ameritech Corporation ("Ameritech") and others have filed Petitions for Reconsideration and/or Clarification of the Commission's Report and Order raising significant issues with respect to initial implementation of wireless E911 rule amendments. We request that the Commission address these issues as a necessary and practical first step before considering the expansion of the mandatory features and scope of

E911 services as currently proposed in this docket.

1. Requirements to Route E911 Calls from Non-Service Initialized Mobile Units.

We agree with PCIA¹, Nokia² and numerous other petitioners who have requested that the Commission reconsider its decision to require wireless carriers to route E911 calls from non-service initialized mobile units. The lack of call back capability, potential for abusive use and other practical problems demonstrate that there is inadequate justification for this requirement.

2. Feasibility of Providing 125 Meter Radius Location Accuracy.

Omnipoint's Petition³ has presented substantial background information regarding the technical challenges which all digital PCS networks are expected to encounter in attempting to provide 125 meter radius location accuracy. We believe that the Commission has set a very aggressive timetable for the development of 125 meter location capability.⁴ For this reason, we urge the Commission to adopt flexible accuracy requirements.

* * *

¹ Petition for Reconsideration dated September 3, 1996, pp. 9-10.

² Petition for Reconsideration dated September 2, 1996, pp. 2-3.

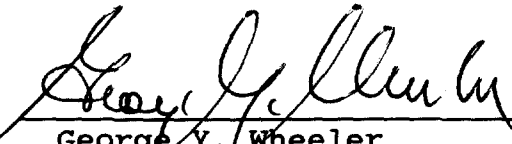
³ Petition for Reconsideration and Clarification dated September 3, 1996, pp. 15-19.

⁴ We are also concerned that formal application trials and associated test results have not been forthcoming from the vendors of multiple location technologies to provide a reliable basis for evaluating the time required to develop a 40 foot radius solution.

We believe that wireless carriers have an important role in promoting safety of life and property through E911 access consistent with reasonable, practical and cost-effective principles of network implementation. We request that the Commission recognize these principles in setting what are clearly worthy goals for use of E911 to promote public safety.

Respectfully submitted,

AMERICAN PORTABLE TELECOM, INC.

By 
George Y. Wheeler

Brian O'Connor, Esq.
Director of External Affairs
American Portable Telecom,
Inc.
8410 West Bryn Mawr Avenue
Suite 1100
Chicago, IL 60631
(312) 399-4200

Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20036
(202) 467-5700

Its Attorneys

September 25, 1996

Certificate of Service

I, Judy Cooper, a legal secretary in the law firm of Koteen & Naftalin, hereby certify that on the 25th day of September, 1996, copies of the foregoing Comments were deposited in the U.S. Mail, first-class, postage prepaid, addressed to:

Mark J. Tauber
Kecia Boney
Mark J. O'Connor
Piper & Marbury, L.L.P.
1200-19th Street, N.W.
Seventh Floor
Washington, DC 20036
Counsel for Omnipoint Communications

Mark J. Golden
Personal Communications Industry
Association
500 Montgomery Street
Suite 700
Alexandria, VA 22314

Leo Fitzsimon
Verner, Liipfert, Bernhard, McPherson &
Hand
901-15th Street, N.W.
Washington, DC 20005-2301
Counsel for Nokia Telecommunications,
Inc.

Joseph D. Hersey, Jr.
Chief, Spectrum Management Division
Commandant (G-SCT-2)
United States Coast Guard
Washington, DC 20593-0001

Reuven M. Carlyle
Vice President
XYPOINT Corporation
2835 Eastlake Avenue East
Seattle, WA 98119

Michael Altschul
Vice President and
General Counsel
and
Randall S. Coleman
Vice President, Regulatory
Policy & Law
Cellular Telecommunications Industry
Association
1250 Connecticut Avenue, N.W.
Suite 200
Washington, DC 20036

Cathleen A. Massey
Vice President
AT&T Wireless Services, Inc.
1150 Connecticut Avenue, N.W.
4th Floor
Washington, DC 20036

Eric Schimmel
Vice President
Telecommunications Industry Association
2001 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20006

Brown and Schwaninger
1835 K Street, N.W.
Suite 650
Washington, DC 20006

William B. Barfield
Jim O. Llewellyn
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610
Counsel for BellSouth Corporation

Frank Michael Panek
Ameritech Corporation
Room 4H84
2000 West Ameritech Center Drive
Hoffman Estates, IL 60195-5000

and

John Pendergast
Susan J. Bahr
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037


William L. Roughton, Jr.
PrimeCo Personal Communications, Inc.
1133-20th Street, N.W. Suite 850
Washington, DC 20036

Bruce E. Beard
Southwestern Bell Mobile Systems, Inc.
13075 Manchester Road, Suite 100N
St. Louis, MO 63131

Glen Glass
Vice President and General Counsel
Carol Taker
General Attorney
Southwestern Bell Mobile Systems, Inc.
17330 Preston Road, Suite 100A
Dallas, TX 75252

Robert S. Foosaner
Senior Vice President
Lawrence R. Krevor
Director
Laura L. Holloway
General Attorney
Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, DC 20006

John T. Scott, III
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
Counsel for Bell Atlantic NYNEX Mobile,
Inc.


Judy Cooper